

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Bradley J. Buscher,
individually and on behalf of the
Revocable Trust of Bradley J. Buscher,
Cynthia Buscher, Chanel Buscher, and
Beaujona Buscher,

Plaintiffs,

Civ. No. 05-544 (RHK/JSM)
ORDER

v.

Economy Premier Assurance Company,

Defendant.

Before the Court is Defendant's April 11, 2006 letter request ("Letter Request") seeking leave to file a Motion to Reconsider the Court's February 1, 2006 Memorandum Opinion and Order (Doc. No. 77 ("Order")). The Order granted Plaintiffs' Motion for Partial Summary Judgment and denied Defendant's Motion for Summary Judgment.

Defendant's Letter Request is a belated¹ attempt to revisit issues that were argued by the parties and addressed by the Court in connection with the cross-motions for summary judgment. With respect to the first issue raised by Defendant—that "Defendant did provide proper notice of the issuance of, and effect of, the Mold Amendatory Endorsement"—the

¹Defendant's Letter Request comes more than two months after the Order was issued.

Court considered and rejected these arguments in its Order.² (See Order at 15-17.) This is also true with respect to Defendant's arguments regarding the Court's treatment of any "ensuing loss" issues, and the Court's interpretation of the insurance policy language; in short, the Court has already considered and rejected Defendant's arguments, and the Letter Request presents no "compelling circumstances" for the Court to revisit those issues. D. Minn. L.R. 7.1(g) ("Motions to reconsider are prohibited except by express permission of the Court, which will be granted only upon a showing of compelling circumstances."
(emphasis added)).

Accordingly, **IT IS ORDERED** that Defendant's Letter Request to file a Motion to Reconsider (attached) is **DENIED**.

Dated: April 12, 2006

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge

²Furthermore, Defendant's submission of a supplemental affidavit in an attempt to shed new light on this fully briefed, argued, and considered issue, without any indication that such information was new to Defendant, is to no avail. See Chism v. W.R. Grace & Co., 158 F.3d 988, 992 n.4 (8th Cir. 1998) ("Motions for reconsideration cannot be used to introduce new evidence that could have been produced while the summary judgment motion was pending.").